

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

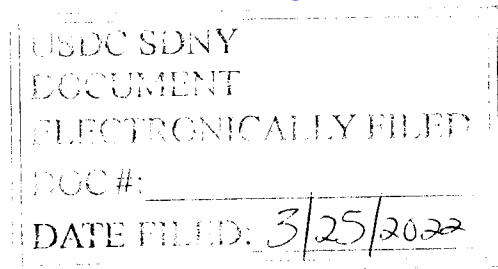
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ROBERT TASHBOOK,

Petitioner,

-against-

WARDEN JAMES PETRUCCI,

Respondent.
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20 CIVIL 5318 (KMK)(PED)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated March 25, 2022, having conducted a thorough review of the R&R, finds no error, clear or otherwise. The Court has therefore adopted the outcome the R&R. Petitioner's writ fails as a matter of law, and as such, Petitioner's renewed request for an evidentiary hearing is denied. As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability shall not be issued, see 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Patrol*, 209 F.3d 107, 111-12 (2d Cir. 2000), and the Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from the judgment on the merits would not be taken in good faith, see *Coppedge v. United States*, 369 U.S. 438, 445 (1962) ("We consider a [petitioner's] good faith... demonstrated when he seeks appellate review of any issue not frivolous."); *Burda Media Inc. v. Blumenberg*, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citing *Coppedge* and noting that an appeal may not be taken in forma pauperis if the trial court certifies in writing that it was not taken in good faith). Judgment is entered in favor of Respondent; accordingly, the case is closed.

Dated: New York, New York

March 25, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango
Deputy Clerk